

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A recombinant nucleic acid encoding an Apop3 protein that comprises an amino acid sequence at least 85% identical to the amino acid sequence depicted in Figure 6 (SEQ ID NO:6), wherein the Apop3 protein ~~affects~~ induces apoptosis.
2. (Previously Amended) A recombinant nucleic acid according to claim 1 comprising the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement.
3. (Previously Amended) A recombinant nucleic acid according to claim 1 wherein said nucleic acid hybridizes under high stringency conditions to the <sup>full complement of</sup> nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its complement, wherein the hybridization takes place at 60°C in the presence of between 0.01 M and 1.0 M sodium ion, and at a pH between 7.0 and 8.3. <sup>the</sup>
4. (Previously Amended) A recombinant nucleic acid according to claim 1 wherein said nucleic acid comprises a nucleotide sequence at least 85% identical to the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement.
5. (Previously Amended) A recombinant nucleic acid according to claim 1 wherein said Apop3 protein comprises the amino acid sequence depicted in Figure 6 (SEQ ID NO:6)
6. (Original) ~~A recombinant nucleic acid according to claim 1 wherein said Apop3 protein is a human Apop3 protein.~~
6. 7. (Previously Amended) A recombinant nucleic acid comprising nucleotides 1-822 depicted in Figure 5 (SEQ ID NO:5), or its <sup>full</sup> complement.

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7 ~~8~~. (Original) A recombinant nucleic acid according to claim 1 operably linked to control sequences recognized by a host cell transformed with the nucleic acid.

8 ~~9~~. (Original) An expression vector comprising the nucleic acid of claim 1.

9 ~~10~~. (Original) <sup>An isolated</sup> A host cell comprising the nucleic acid of claim 1.

10 ~~11~~. (Original) <sup>An isolated</sup> A host cell comprising the expression vector of claim ~~8~~ <sup>8</sup>.

11 ~~12~~. (Currently Amended) A recombinant Apop3 protein comprising an amino acid sequence at least 85% identical to the amino acid sequence depicted in Figure 6 (SEQ ID NO:6), wherein the Apop3 protein affects induces apoptosis.

12 ~~13~~. (Previously Amended) An Apop3 protein according to claim ~~12~~ <sup>11</sup> comprising the amino acid sequence depicted in Figure 6 (SEQ ID NO:6).

13 ~~14~~. (Previously Amended) An Apop3 protein according to claim ~~12~~ <sup>11</sup> wherein said Apop3 protein is encoded by a nucleic acid comprising the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement.

14 ~~15~~. (Previously Amended) An Apop3 protein according to claim ~~12~~ <sup>11</sup> wherein said Apop3 protein is encoded by a nucleic acid which nucleic acid comprises a nucleotide sequence at least 85% identical to the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement.

15 ~~16~~. (Previously Amended) An Apop3 protein according to claim ~~12~~ <sup>11</sup> wherein said Apop3 protein is encoded by a nucleic acid which nucleic acid will hybridize under high stringency conditions to the <sup>full complement of the</sup> nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its complement, wherein the hybridization takes place at 60°C in the presence of between 0.01 M and 1.0 M sodium ion, and at a pH between 7.0 and 8.3.

17. (Original) An Apop3 protein according to claim 12 wherein said Apop3 protein is a human Apop3 protein.

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<sup>16</sup> ~~18~~. (Currently Amended) A recombinant Apop3 protein comprising the amino acid sequence 1-274 depicted in Figure 6 (SEQ ID NO:6), wherein the Apop3 protein affects induces apoptosis.

<sup>11</sup> <sup>17</sup> ~~19~~. (Original) A process for producing an Apop3 protein according to claim <sup>17</sup> ~~19~~ comprising culturing the host cell of claim 10 under conditions suitable for expression of said Apop3 protein.

<sup>18</sup> ~~20~~. (Original) A process according to claim <sup>17</sup> ~~18~~, further comprising recovering said Apop3 protein.

21-24. (Cancelled)

<sup>19</sup> ~~21~~ <sup>25</sup>. (Currently Amended) A method for screening for a bioactive agent capable of modulating the <sup>apoptotic</sup> activity of an Apop3 protein according to claim <sup>17</sup> ~~21~~, said method comprising the steps of:

a) adding a candidate bioactive agent to a cell comprising a recombinant nucleic acid encoding said Apop3 protein, wherein said Apop3 protein affects induces apoptosis; and

b) determining the effect of the candidate bioactive agent on apoptosis, thereby determining the ability of the candidate bioactive agent to modulate the <sup>apoptotic</sup> activity of the Apop3 protein.

<sup>20</sup> ~~22~~ <sup>26</sup>. (Original) A method according to claim <sup>21</sup> ~~22~~ wherein a library of candidate bioactive agents is added to a plurality of cells comprising a recombinant nucleic acid encoding said Apop3 protein.

<sup>21</sup> ~~23~~ <sup>27</sup>. (New) The recombinant nucleic acid according to claim 1 wherein said nucleic acid comprises a nucleotide sequence at least 90% identical to the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement.

22 24/ 28. (New) The recombinant nucleic acid according to claim 1 wherein said nucleic acid comprises a nucleotide sequence at least 95% identical to the nucleotide sequence depicted in Figure 5 (SEQ ID NO:5) or its <sup>full</sup> complement. 11

23 25/ 29. (New) The Apop3 protein according to claim 12, comprising an amino acid sequence at least 90% identical to SEQ ID NO:6. 11

24 26/ 30. (New) The Apop3 protein according to claim 12, comprising an amino acid sequence at least 95% identical to SEQ ID NO:6. 11